THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11150 OF 2000

ORAL ORDER:

The petitioner herein claims to be absolute owner and possessor of Ac.2.92 cents of land situated in Sy.No.122/2 of Vadlipudi village, Visakhapatnam District, having purchased the same on 7.10.1981 from one Karanam Narayanamma. It is not in dispute that the land in question was initially acquired by invoking the provisions of the Land Acquisition Act, 1894, for the purpose of Steel Plant at Visakhapatnam. However, subsequently, the said land, which was not utilized for the purpose for which it was acquired, was reconveyed vide proceedings of the Mandal Revenue Officer, Gajuwaka, dated 12.7.1990. The petitioner states that since then he has been continuing in possession and enjoyment of the said land as a rightful owner. While so, the respondents herein attempted to dispossess the petitioner from the land in question on the ground that it is proposed to construct a park on the said land. Aggrieved by the said highhanded action of the respondents, this writ petition has been filed seeking a declaration that the action of the respondents in attempting to dispossess the petitioner from the land in question as arbitrary and illegal.

This Court while directing *Rule nisi* by order dated 27.6.2000 ordered that the petitioner shall not be dispossessed except through due process of law. Though a counter-affidavit has been filed by the 3rd respondent-Gajuwaka Municipality, denying the allegations of the petitioner that the respondents were attempting to dispossess the petitioner, no counter-affidavit has been filed by the respondents 1 and 2.

Heard the learned counsel for the petitioner as well as the learned Government Pleader and having regard to the proceedings of the Mandal Revenue Officer, Gajuwaka, dated 12.7.1990, which

shows that the land in question was reconveyed to the vendor of the petitioner, and particularly in view of the uncontroverted averments in the affidavit filed in support of the writ petition, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession and enjoyment of the petitioner over the land in question in any manner whatsoever, without following due process of law. No costs.

7.11.2007.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11150 OF 2000

7th November, 2007.

Between:

Palla Apparao. .. Petitioner.

And

The District Collector,
Visakhapatnam and others. .. Respondents.

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